REMARKS/ARGUMENTS

Claims 1-22 are present in this application. By this Amendment, claims 1, 4, 6, 7, 12, 14, 15, 17, 21 and 22 have been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

With reference to the Decision, on page 11, the Patent Office Board contends that the claims do not provide a provision "requiring the user profile to include an option to incorporate the automatic best choice service." Without conceding this contention, independent claims 1 and 14 have been amended to include a step of "providing the user with an option to incorporate in the user profile an automatic best choice service." Independent claims 21 and 22 have been amended to include similar subject matter.

The Patent Office Board on page 12 of the Decision further provides that claim 1 "nowhere limits the method to one involving no user intervention," and "nowhere calls for the user to accept an offer." Applicant respectfully disagrees with this interpretation and the characterization of the term "implemented." Without conceding this contention, claims 1 and 14 have been amended to recite that if the user profile incorporates the automatic best choice service, the method includes the step of automatically accepting the relevant items without user intervention, and communicating the accepted relevant items to the user. Claims 21 and 22 have been amended to recite similar subject matter. Support for these amendments can be found in the specification at, for example, page 1, paragraph [0004], lines 1-6; page 2, paragraph [0005], line 8; page 3, paragraph [0009], lines 5-6; page 9, paragraph [0029], lines 4-7; page 10, paragraph [0030], lines 3-4; page 10, paragraph [0031], lines 12-15; page 11, paragraph [0033], lines 4-9; and page 11, paragraph [0034], lines 8-10.

For at least the reasons discussed in the Appeal Brief filed January 3, 2006 and the Reply Briefs filed May 22, 2006 and September 28, 2006, Applicant respectfully submits that the claims are distinguishable from the references of record including U.S. Published Patent Application No. 2001/0014868 to Herz. Withdrawal of the rejection under 35 U.S.C. §102(e) is thus respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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